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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
Direct Telephone: 703-893-7910
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June 22, 1995

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: **REQUEST FOR DEFERMENT OF IVDS PAYMENT DATE**
IMMEDIATE ACTION REQUESTED

In re: Competitive Bidding, IVDS

PP-Docket No. 93-253

DBMPC #15132

Dear Mr. Caton:

On behalf of IVDS/RLV Partnership, Friends of IVDS, IVDCO LLC, Wayne Partners, Infopower International, Nanowave Technologies, Zarg Corporation WCTV Partners, Tele-Link Communications, AG Partners, Washington Communications, and New England Mobile Communications, Inc. (collectively, "Petitioners") all of whom jointly filed a Petition for Extraordinary Relief in the above-referenced matter on August 16, 1994, ("Petition") as well as a Emergency Request for Stay on March 17, 1995, ("Emergency Stay") this is to request a **further deferment of the initial date for installment payments due to be made by Petitioners and all IVDS Licensees pursuant to grants of their respective IVDS licenses**, pending resolution of the pending Petition and Request for Emergency Stay, and action on the matters therein.

In their original Petition filed in 1994, the Petitioners requested, *inter alia*, relief from a number of payment requirements pursuant to the Commission's installment payment rules, to compensate for anticipated financial distress resulting from the defaults of certain winning bidders in large markets in the 1994 IVDS Auction, and from the overly high bids that resulted from those defaulting winners' bids. In the Emergency Stay filed in March of 1995, Petitioners requested a temporary stay of the payment dates pending resolution of the 1994 Petition.

By Public Notice dated March 29, 1995, and on its own motion, (and apparently not in specific response to Petitioners' Emergency Stay), the Office of Managing Director deferred the first deadline date for payment of quarterly installments for certain IVDS Licensees to June 30, 1995. However, that deadline date is now imminent, and Petitioners' Petition and Emergency Stay are still pending with the Wireless Bureau.

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Counsel for Petitioners has inquired of the Wireless Bureau in connection with the status of its pending 1994 Petition and its 1995 Emergency Stay. Both Petitions remain pending, and it does not appear that either Petition would be resolved prior to the June 30, 1995 deadline for payment of the first quarterly installment. The Petitions raise issues concerning adjustments for the amount of interest, and overall schedule of installment payments. Payments made on the current June 30, 1995 deadline could result in **prejudice to Petitioners' requests**, and additionally could prove administratively inconvenient in the long-term. It is therefore necessary to further defer the payment date for initial installment payments until the pending Petition and Emergency Stay are resolved, and the issues therein disposed of by the Commission. If the Commission grants some or all of Petitioners' requests, any adjustments to the payment amounts as a result of adjustment of interest, or extension of the installment program could then be implemented, and correct installments made from the outset, obviating the need for refunds, credits or other adjustments to Petitioners and other IVDS Licensees.

Petitioners therefore respectfully request a further deferment of the initial quarterly installment payment date for all issued IVDS Licenses for a minimum of an additional thirty (30) days, and preferably for an additional ninety (90) days, in order to permit the Wireless Bureau to dispose of Petitioners' Petition and Emergency Stay, to avoid prejudice to Petitioners' requests set forth therein, and to permit orderly installment payments to begin.

Counsel for Petitioners may be contacted at the above phone number in the event of any question concerning this request, or for notification that the request is being granted. **Telephonic notification of grant or denial of this request is respectfully requested, in order to avoid any confusion in connection with any quarterly installment payment.**

Respectfully submitted,

By: 

Denise B. Moline
Counsel for Petitioners

DBM:wp

cc: Regina Keeney, Chief, Wireless Bureau
Robert H. McNamara, Esq., Chief, Private Wireless Division
Eric Malinen, Esq.
Andrew S. Fishel, Managing Director
Regina Dorsey, Chief, Billings and Collections